

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

PELLA PRODUCTS, INC.,
NATIONAL BUILDING
PRODUCTS, INC., FENSTER
ENTERPRISES, INC., and HUBERT
KRIEGH,

Plaintiffs,

v.

PELLA CORPORATION,

Defendant.

NO. 3:18-CV-01030

(JUDGE CAPUTO)

ORDER

NOW, this 7th day of June, 2018, **IT IS HEREBY ORDERED** that:

- (1) The Petition for Preliminary Injunction (Doc. 2) filed by Plaintiffs Pella Products, Inc. (“PPI”), National Building Products, Inc. (“NBPI”), Fenster Enterprises, Inc. (“Fenster”), and Hubert Kriegh is **GRANTED in part and DENIED in part**.
- (2) The Petition is **GRANTED** as follows:
 - (A) Defendant Pella Corporation, together with its representatives, agents, servants, and all others acting on its behalf or in concert with it, are hereby **ENJOINED and RESTRAINED**, until the earlier of a further Order of Court or the expiration of the Sales Branch Agreements pursuant to their “normal” termination provision, from:
 - (i) Enforcing the May 10, 2018 Notice of Immediate Terminations sent to PPI, NBPI, and Fenster with respect to the Sales Branch Agreements **ONLY**; and
 - (ii) Terminating the Sales Branch Agreements with PPI, NBPI, and Fenster.

- (B) This injunction issues because:
- (i) Plaintiffs have a reasonable probability of eventual success on the merits of their breach of contract claim relating to Pella's immediate termination of the Sales Branch Agreements;
 - (ii) Plaintiffs are more likely than not to suffer irreparable harm in the absence of preliminary relief enjoining the termination of the Sales Branch Agreements; and
 - (iii) The likelihood of success on the merits, irreparable harm, the possibility of harm to other interested persons, and the public interest taken together weigh in favor of granting preliminary injunctive relief.
- (3) Plaintiffs shall provide security pursuant to Federal Rule of Civil Procedure 65(c) in the amount of **\$1,000,000.00** within **five (5) days** from the date of entry of this Order, failing such this injunction shall dissolve.
- (4) The Petition is **DENIED** as to Plaintiffs' claim to enjoin Pella's immediate termination of the Windows Made Easy Sales Branch Agreements.
- (5) The Special Injunction issued by the Luzerne County Court of Common Pleas on May 11, 2018 is **DISSOLVED** as of the date of entry of this Order.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge